



03650.002195

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
YOSHIMASA OKAMURA, et al.) : Examiner: D. Nhu
Application No.: 10/720,269) : Group Art Unit: 2818
Filed: November 25, 2003) :
For: FABRICATION OF)
NANOSCALE) :
THERMOELECTRIC)
DEVICES) : December 3, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the November 8, 2004 Requirement To Restrict, Applicants hereby provisionally elect to prosecute the Group I claims, namely Claims 1 to 11. The Requirement To Restrict is, however, traversed.

Traversal is on the ground that there would not be undue burden in examining two groups of claims in a single application. In particular, MPEP § 808 makes clear that in order to require restriction between independent of distinct inventions, reasons for insisting upon a restriction requirement, such as undue burden, must also be shown. In the present instance, it is not believed that there would be undue burden in examining both groups of claims in a single application, since the two groups of claims are not so different as would require a burden on the Examiner that is significantly beyond that of the normal

burdens of examination. Accordingly, reconsideration and withdrawal of the Restriction Requirement are respectfully requested.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,


Michael K. O'Neill
Attorney for Applicants
Michael K. O'Neill
Registration No.: 32,622

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-2200
Facsimile: (212) 218-2200

CA_MAIN 89337v1